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OCT 07 1994

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October 6, 1994

Via Federal Express

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street N.W., Room 222
Washington, D.C. 20554

RE: CC Docket No. 93-22

Enclosed please find the original and nine (9) copies of Comments of the National Association of State Utility Consumer Advocates in the above-referenced docket. Please stamp the extra copy "filed" and return it in the enclosed self-addressed and prepaid envelope.

Thank you for your assistance in this matter.

Sincerely,

Martha S. Hogerty
President - NASUCA
Missouri Public Counsel

MSH/bjr

Enclosures

cc: Debra Berlyn, NASUCA Executive Director

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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OCT 07 1994

In the Matter of:

Policies and Rules Implementing the
Telephone Disclosure and Dispute
Resolution Act.

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CC Docket No. 93-22

**COMMENTS OF THE NATIONAL
ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES**


The National Association of State Utility Consumer Advocates (NASUCA) submits these Comments to the Further Notice of Proposed Rulemaking, adopted August 2, 1994, in the above-referenced proceeding. NASUCA is an association of 41 consumer advocate offices in 37 states and the District of Columbia, whose members are designated by state law to represent the interests of utility consumers before state and federal regulators and in the courts.

NASUCA has a strong interest in the use of 800 numbers to provide pay-per-call services. NASUCA members have received numerous complaints from consumers who have received large bills resulting from the misuse of such 800 numbers. NASUCA has also passed Resolution 1994-02 urging the Commission to eliminate or restrict such 800 number pay-per-call services. A copy of this resolution is attached.

NASUCA has also reviewed the Comments which are being filed at this Docket today by the Telecommunications Subcommittee of the Consumer Protection Committee of the National Association of Attorneys General (NAAG). In many states, NASUCA members are also

members of the NAAG. NASUCA supports the Comments of the NAAG Subcommittee and urges the Commission to adopt the measures advocated in those Comments.

Respectfully submitted,



Martha S. Hogerty
President
National Association of State
Utility Consumer Advocates

Dated: October 6, 1994

1994-02

NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES

RESOLUTION

**Urging the FCC to Address the Issue of Information
Providers Using 800 Service for Pay-Per-Call
Services in a Deceptive and Unfair Manner**

WHEREAS, the various NASUCA member offices have become aware that consumers have incurred significant charges for pay-per-call information services after dialing toll free 800 number services;

WHEREAS, these consumers were unaware they would be charged for such services, or the charges were incurred by callers under 18 years old;

WHEREAS, the use of 800 toll free number service to connect a caller to a pay-per-call service circumvents the blocking of 900 number services;

WHEREAS, the FCC rules governing interstate pay-per-call and 800 services require common carriers to prohibit the use of 800 service access codes that result in the calling party being charged for the information "unless the calling party has a presubscription or comparable arrangement";

WHEREAS, some information providers are using 800 numbers to provide pay-per-call services by claiming that they have created a "presubscription or comparable arrangement" by assigning unknowing and unaware consumers a four-digit number used to bill the call, or by the use of other misleading arrangements;

THEREFORE BE IT RESOLVED that NASUCA urges the FCC to eliminate the "presubscription or comparable arrangement" exception to the restrictions on the use of 800 numbers for pay-per-call services in the FCC's rules governing interstate pay-per-call and 800 services, or in the alternative, to significantly restrict the ability to create such an arrangement to, for example, a presubscription arrangement that existed prior to the consumer making the call.

RESOLUTION-1994-02

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BE IT FURTHER RESOLVED that NASUCA authorizes its Executive Committee to develop specific positions and to take appropriate actions consistent with the terms of this resolution. The Executive Committee shall advise the membership of any proposed action prior to taking such action, if possible. In any event, the Executive Committee shall notify the membership of any action taken pursuant to this resolution.

Approved by NASUCA:

Santa Fe, New Mexico
Place

June 21, 1994
Date

Submitted by:

Community Involvement Committee

Dian Callaghan (CO), Chair
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